IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.139 OF 2004

IN

SUIT NO.4081 OF 2003

...

Bank of Baroda ...Plaintiff

v/s.

Anant G. Deshmukh & Ors. ...Defendants

...

Mr.Anant R. Bamne for the Plaintiff.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 14TH DECEMBER,2004

P.C.:

1. This is a bank suit for recovery of the amounts.

All defendants have been served. But none appears for the Defendants. Only Defendant No.4 has filed reply. The stand of the Defendant No.4 appears to be that the flat which according to the Plaintiff is mortgaged by the Defendant No.1 for securing the loan is not actually transferred by Defendant No.4 to Defendant No.1 and the Defendant No.4 has filed a suit for cancellation of the transaction.

2. In this view of the matter, therefore, in my opinion, it will not be appropriate to appoint the Receiver. The interest of the Plaintiff can be secured by granting interim order in terms of prayer clause (b). Hence, the motion is granted in terms of prayer clause (b). Motion disposed of.

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